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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 09/930,788 | 08/15/2001 | Andrew David Hood | Hood/Sliwa | 2548 |
| 33321 | 7590 | 04/06/2007 | | |
| MAGUIRE LAW OFFICE 423 E ST. DAVIS, CA 95616 | | | EXAMINER FRENEL, VANEL | |
| | | | ART UNIT 3627 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 04/06/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/930,788 | Applicant(s) HOOD ET AL. | |
| | Examiner Vanel Frenel | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-25 and 27-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-25 and 27-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/05/07 has been entered.

Notice to Applicant

2. This communication is in response to the RCE filed on 1/05/07. Claims 2, 27, 36, 38-40 have been amended. Claims 1 and 26 have been canceled. Claims 2-25 and 27-40 are pending.

3. The Affidavit of Rule 1.131 Declaration has been persuasive, and therefore the Lang's reference is hereby withdrawn due to Applicant's argument.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-25 and 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (6,168,563) in view of Campbell et al (6,047,259) and further in view of Ballantyne et al (5,867,821).

(A) As per claim 2, Brown discloses a system for gathering and managing patient medical data, comprising: a handheld computing device (See Brown, Fig.1, Col.17, lines 3-42), said handheld computing device having loaded in memory a first computer module for gathering patient medical information, wherein said first computer module has a plurality of data entry screens (See Brown, Fig.16, Col.28, lines 39-67); a microprocessor, said microprocessor having loaded in memory a second computer module, said second computer module having means for creating customized data entry screens for use by said first module (See Campbell, Col.4, lines 19-67).

Brown and Campbell do not explicitly disclose that the system having a means for creating a natural language report and a searchable database from said medical information and a searchable database from said medical information.

However, these features are known in the art, as evidenced by Ballantyne. In particular, Ballantyne suggested that the system having a means for creating a natural language report and a searchable database from said medical information and a searchable database from said medical information (See Ballantyne, Col.7, lines 7-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Ballantyne within the collective teachings of Brown and Campbell with the motivation of enhancing healthcare quality (See Ballantyne, Col.2, lines 60-63).

(B) As per claim 3, Campbell discloses the system wherein at least one of said data entry screens has a matrix, wherein said matrix allows a user to correlate a body part with a set of modifiers (See Campbell, Figs.6-7; Col.12, lines 14-67).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(C) As per claim 4, Brown discloses the system wherein said second module additionally comprises a plurality of templates for creating said customized medical data entry screens (See Brown, Col.34, lines 20-64).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(D) As per claim 5, Campbell discloses the system wherein said second module additionally comprises means for editing all aspects of said data entry screens (See Campbell, Col.16, lines 22-30).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(E) As per claim 6, Campbell discloses the system wherein said first module additionally comprises means to delete at least one of said data entry screens (See Campbell, Col.15, lines 55-67).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(F) As per claim 7, Campbell discloses the system wherein at least of one said data entry screens has a list box, and wherein said second module has means for adding, deleting, and reordering items in said list box (See Campbell, Col.16, lines 23-30).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(G) As per claim 8, Campbell discloses the system wherein said second module has means for controlling navigation between said data entry screens (See Campbell, Col.15, lines 6-64).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(H) As per claim 10, Brown discloses the system wherein said second module has means for creating a customized medical data entry screen with the ability to gather specified regulatory data (See Brown, Col.16, lines 32-54).

(I) As per claim 11, Ballantyne discloses the system wherein said system is used for emergency medical services (See Ballantyne, Col.12, lines 10-47).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(J) As per claim 12, Brown discloses the system wherein said system additionally comprises a conduit for remote transmission of data (See Ballantyne, Col.12, lines 10-47).

(K) As per claim 13, Ballantyne discloses the system additionally comprising a portable printer for printing out said natural language report (See Ballantyne, Fig.3, Col.7, 17-67).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(L) As per claim 14, Brown discloses the system wherein said second module has means for flagging certain data items as relevant for specific purposes (See Brown, Col.12, lines 4-49).

(M) As per claim 15, Campbell discloses the system wherein said searchable database has a plurality of items, and wherein each such item has a unique identifier (See Campbell, Col.8, lines 44-55).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 2, and incorporated herein.

(N) As per claim 16, Brown discloses a software application for gathering and managing patient medical data, comprising:

a first computer module for gathering patient medical information on a handheld computing device (See Brown, Fig.1, Col.17, lines 3-42), said first computer module having a plurality of data entry screens (See Brown, Fig.16; Col.28, lines 39-67).

Brown does not explicitly disclose a second computer module for creating customized medical data entry screens for use by said first module.

However, this feature is known in the art, as evidenced by Campbell. In particular, Campbell suggests that a second computer module for creating customized medical data entry screens for use by said first module (See Campbell, Col.4, lines 19-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Campbell within the system of Brown with the motivation of providing an interactive medical exam component of the system displays physical exam screens that guide the user through a complete medical exam (See Campbell, Col.2, lines 14-21).

(O) As per claim 31, Campbell discloses the method additionally comprising the step of deleting one of said data entry screens using said second module (See Campbell, Col.4, lines 19-67).

(P) As per claim 36, Brown discloses a system for gathering and managing patient medical data, comprising:

a handheld computing device, said handheld computing device having a means of gathering specified regulatory data and having loaded in memory a computer module for gathering patient medical information, said module having a medical data entry screen, said screen allowing a user to input patient medical information (See Brown, Fig.16; Col.28, lines 39-67).

Brown does not explicitly disclose a matrix within said data entry screen, said matrix allowing a user to correlate a body part with a set of modifiers.

However, this feature is known in the art, as evidenced by Campbell. In particular, Campbell suggests a matrix within said data entry screen, said matrix allowing a user to correlate a body part with a set of modifiers (See Campbell, Figs.6-7; Col.12, lines 14-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Campbell within the system of Brown with the motivation of providing an interactive medical exam component of the system displays physical exam screens that guide the user through a complete medical exam (See Campbell, Col.2, lines 14-21).

(Q) Claims 38 and 40 recite the same limitations as claim 36 above are therefore rejected for the same reasons given in claim 36, and incorporated herein.

(R) As per claim 35, Brown discloses a system for gathering and managing patient medical data, comprising:

a handheld computing device, said handheld computing device (See Brown, Fig.16; Col.28, lines 39-67) having loaded in memory a computer module for gathering patient medical information, said module having a medical data entry screen, said screen allowing a user to input patient medical information (See Campbell, Col.4, lines 19-67).

Brown and Campbell do not explicitly disclose means for creating a natural language report and a searchable database from said medical information.

However, these features are known in the art, as evidenced by Ballantyne. In particular, Ballantyne suggested that the system having a means for creating a natural language report and a searchable database from said medical information and a searchable database from said medical information (See Ballantyne, Col.7, lines 7-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Ballantyne within the collective teachings of Brown and Campbell with the motivation of enhancing healthcare quality (See Ballantyne, Col.2, lines 60-63).

(S) Claims 37 and 39 recite the same limitations as claim 35 above are therefore rejected for the same reasons given in claim 35, and incorporated herein.

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(T) As per claim 17, Ballantyne discloses the system wherein said first computer module has means for creating a natural language report and a searchable database from said medical information (See Ballantyne, Col.7, lines 17-67).

The motivation for combining the respective teachings of Brown, Campbell and Ballantyne are as discussed above in the rejection of claim 35, and incorporated herein.

(U) As per claims 9, 24 and 34, Ballantyne discloses the system wherein said second module has means for controlling the syntax and structure of said natural language report (See Ballantyne, Col.7, lines 17-67).

The motivation for combining the respective teachings of Brown, Campbell and Balantyne are as discussed above in the rejection of claim 35, and incorporated herein.

(V) Claims 18-23, 25 and 28-33 recite the underlying process of the elements of claims 3-8 and 15, and respectively. As the various elements of claims 3-8 and 15 have been shown to be either disclosed by or obvious in view of the collective teachings of Brown, Campbell and Ballantyne, it is readily apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 18-23, 25 and 28-33 are rejected for the same reasons given above for system claims 3-8 and 15, and incorporated herein.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches portable patient monitor reconfiguration system (5,640,953), automatic external defibrillator first responder and clinical data outcome management system (6,321,113 and user interface for handheld imaging devices (2003/0013959).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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V.F
V.F

March 28, 2007

Andrew Joseph Fudy
Primary Examiner, AU 3627